

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RYAN WILSON, an individual,

Plaintiff,

v.

APARTMENT MANAGEMENT
CONSULTANTS, LLC, a Utah
corporation; and AMBER ANDERSON,
an individual,

Defendants.

CASE NO. 12-5436 RJB

ORDER ON DEFENDANTS'
MOTION FOR RELIEF FROM
DEADLINE TO DISCLOSE EXPERT
TESTIMONY

This matter comes before the Court on the Defendants' Motion for Relief from Deadline to Disclose Expert Testimony. Dkt. 24. The Court has considered the pleadings filed regarding the motion and the remaining file.

In this case, Plaintiff asserts that his employment was wrongfully terminated due to his disability - diabetes. Dkt. 16. He makes a claim for disability discrimination, under federal law pursuant to the Americans with Disabilities Act ("ADA") 42 U.S.C. § 12101, *et seq. Id.* He

1 makes additional claims under Washington law for disability discrimination, wrongful
2 termination, defamation, and tortious interference with a business expectancy. *Id.* He seeks
3 declaratory and injunctive relief, and damages. *Id.*

4 In the pending motion, Defendants seek an extension of time for the deadline to disclose
5 expert testimony to January 31, 2013. Dkt. 24. They wish to engage a vocational rehabilitation
6 expert to opine on the adequacy of Plaintiff's post termination job search. Defendants assert that
7 this evidence will be relevant as to whether Plaintiff has mitigated his damages. *Id.* They
8 propose allowing Plaintiff an extension of the discovery deadline to March 1, 2013, insofar as is
9 necessary, to conduct his own discovery related to this expert disclosure. Dkt. 30.

10 Plaintiff opposes the motion. Dkt. 28. He argues that Defendants have not been timely
11 with other discovery and should not be given an extension now. *Id.*

12 Trial is set to begin on May 20, 2012. Dkt. 13.

13 Pursuant to Fed. R. Civ. P. 16(b)(4), the Court may modify the scheduling order for good
14 cause. Defendants' motion (Dkt. 24) should be granted. They have shown sufficient good cause
15 for an extension of the deadline to disclose expert witnesses to January 31, 2013. Plaintiff
16 should have until March 1, 2013 to conduct discovery related to this disclosure, if he so wishes.

17 Therefore, it is hereby **ORDERED** that:

- 18 • Defendants' Motion for Relief from Deadline to Disclose Expert Testimony (Dkt.
19 24) is **GRANTED**;
- 20 • The deadline to disclose expert witnesses is **January 31, 2013**;
- 21 • Plaintiff has until **March 1, 2013** to conduct discovery related to this disclosure,
22 if he so wishes.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 17th day of January 2013.

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6 ROBERT J. BRYAN
United States District Judge